

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO:
ALL CLASS ACTIONS

Judge Patti B. Saris

**TRACK 1 DEFENDANTS' RESPONSE TO CORRECTED CLASS PLAINTIFFS'
EMERGENCY MOTION TO AMEND CASE MANAGEMENT ORDER NO. 20**

After having received Plaintiffs' Corrected Emergency Motion to Amend Case Management Order No. 20, Defendants conferred with Plaintiffs to resolve the issues presented therein. Plaintiffs and Defendants now agree that the Court should amend CMO No. 20 to provide the following deadlines:

- (1) April 7, 2006: All oppositions to summary judgment motions that were filed on March 15, 2006 are due.
- (2) April 28, 2006: All replies are due.

In addition, to eliminate the number of briefs filed with the Court and to maintain the integrity of the Court's schedule, the parties agree that sur-replies should be eliminated from the schedule. Under this amendment, briefing will conclude on the same day as provided by CMO No. 20.

Therefore, given the agreement reached between the parties, the Defendants respectfully request that the Court amend CMO No. 20 as described above.

Respectfully submitted,

THE TRACK 1 DEFENDANTS

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Dated: March 24, 2006

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2006, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Eric P. Christofferson
Eric P. Christofferson